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## RECOMMENDATION OF PRISON COMMISSIONERS

of recreation, and valuables, if any, are taken to the early date by the warden and the inspectors.

"The men are well supplied with comfortable clothing. A regulation prison suit is worn which is not, however, the conspicuous striped suit commonly worn in a large number of prisons, but a suit, one-half of which is brown and the other half black. On coming to the prison the clothes of the prisoners are changed, the outer clothing aired and if necessary thoroughly fumigated, his underclothing washed and all put away with his number and name attached. Money and valuables, if any, are taken to the office and placed in safe keeping for the day of his release, if any there be. The prisoner is given a thorough bath and then provided with underwear, stockings, shoes and a suit of prison clothes. Once each week the men go in squads of five to the commissary department, baths are taken and a suit of clean underclothing, with stockings, towels, sheets and pillowcases are given to each."—From the *Daily Commercial*, Bangor, Me., Feb. 11, 1914.

W. E. WALZ, Dean, College of Law University of Maine.

**Recommendations of the Massachusetts Prison Commissioners.**—(Jan. 1, 1914)—*Boards of Parole and Advisory Board of Pardons.*—A law was passed (chapter 829, Acts of 1913) providing for an advisory board of pardons, two boards of parole—one for the inmates of the Reformatory for Women and one for the inmates of the State Prison and Massachusetts Reformatory—and a deputy commissioner to take charge of the work of the parole agents and to perform other duties.

Under the provisions of this act the Advisory Board of Pardons and the two Boards of Parole were organized, and since July, 1913, have held frequent sessions and discharged a considerable amount of work. The sessions were held at the various institutions, and the applicants appeared in person before the respective Boards and were fully heard in their own behalf.

All persons paroled go to proper employment, and are supervised in a kindly and helpful way. \* \* \* \* \*

*Research Work at Institutions.* A diligent effort has been made to inaugurate the practice of promptly and continuously collecting all information relevant to the character, capabilities and condition (mental and physical) of all persons committed to the institutions, so that their treatment and training may be wisely ordered while they are in detention, and that their liberty may be granted them at the time and under the conditions most likely to serve their own ultimate good.

Some progress has been made in the direction indicated, but much remains to be accomplished, particularly in some of the institutions where the population is considerable, and in which there were no officials prepared for the new service by experience or training. \* \* \* \* \*

*State Control of County Prisons.* With such provision, but not otherwise, the management of the county prisons could, with the allowance of a reasonable length of time for preparation, be safely confided to the Board of Prison Commissioners, but we feel that such action should not be taken without providing that the tenure of office as masters of the houses of correction should be safeguarded to the present sheriffs, as long as they may continue in their offices as sheriffs; that they may appoint and remove their subordinates as at

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present; and that their subordinates shall be eligible to State pensions on retirement, with proper credit for the time served under county jurisdiction.

We believe, too, that if such new arrangement were effected, the sheriffs, as masters of the houses of correction, should have the right, and be charged with the duty, of informing themselves regarding the history, character, attitude and capabilities of all the prisoners in their charge, and of paroling them, with the approval of this Board, to proper employment, giving them suitable after-care, and ordering the disposition of their earnings.

If this method were adopted the State would have a considerable corps of able and earnest men in training along the lines of the best practical penology, and it would not be long before any position which might become vacant in the prison service of the State could be readily filled without delay or readjustment, and without injury to the service.

We do not suggest that the successors of the present sheriffs should become *ex officio* masters of the houses of correction for several reasons, one being that, if the service were satisfactory, a change in the position of master would be undesirable, even though he should cease to be sheriff, and he might be more worthy of advancement than of retirement.

*State Farm—Prison Department.* The board further recommends that, if proper working facilities are afforded, as before mentioned, the management of the State Farm, except the charge of the insane and paupers, be placed under their direction.

*Proposed Legislation.* We recommend that the principle of the indeterminate sentence, so called, be applied to all commitments for felony, excepting for murder and treason.

So many prisoners who plead guilty in court later represent that they were coerced into doing so, or induced thereto, by representations of various kinds coming from divers persons or sources, while in fact they were not guilty, that we feel that all persons placed on trial for felony should (if desired by them) have legal counsel in the conduct of their defence, or in the presentation to the court of their interests; and that the *mittimus* of a person pleading guilty to felony should be accompanied by a writing containing, among other things, his statement to the court of facts clearly indicating his guilt, and that when he declines to make such a statement his plea of guilty should not be accepted and he should be duly placed on trial.

We advise the removal of the two and one-half year minimum term for all prisoners in the State Prison, and the removal likewise of the provision of law that all such prisoners who have served two and one-half years with good conduct, and have completed their minimum term, shall be paroled by operation of law.

Murder in the second degree is now punishable by imprisonment for life in every case, and we believe that there are cases of murder in the second degree in which the court should have some discretion, and we therefore suggest that for that offense the court be empowered to sentence the defendant to imprisonment for life, or for any term of years not less than twenty, which is the maximum term for manslaughter.

With the changes in population of the various institutions and of the plans used and the employments followed, the inelasticity of the statute law regarding the rank and designation of the members of the staffs is a matter

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of serious inconvenience, and sometimes of substantial injury. For instance, at the women's reformatory persons designated as matrons are now employed in the following capacities, viz.: stenographers, field workers, internes, nurses, farm workers and school teacher.

We ask for authority to make the designations that seem to us to be proper, and to fix the salaries, subject to such approval as may be thought to be necessary or advisable. The maximum salary allowed matrons at the women's reformatory is insufficient to secure the employment of many likely inquirers, and prospective employes of a high type are often deterred from entering the service on that account.

We believe that the service there and elsewhere would be improved if persons of exceptional merit and value might, on the recommendation of the superintendent and the approval of the Prison Commission, receive not more than a certain percentage increase over the regular salary allowance.

The salary of the physician at the State Prison is low, and he is not required to devote all of his time to his official duties. We ask for authority to fix his compensation, and employ the entire time of a physician, or to engage an assistant physician.

An opinion by the Attorney-General seems to indicate that the Prison Commission is charged with responsibility for the accuracy of all the books of county prisons, including auditing, as relating to the industries carried on. We call attention to the fact that the Prison Commission cannot personally audit the books, and has no facilities for the employment of an auditor, and urge that this duty be placed in the hands of officials peculiarly qualified to discharge it.

We ask for full and free authority to transfer inmates from any institution under our management to any other institution under our management at any and all times, taking into account the probable ultimate good of the persons transferred and the interests of the Commonwealth.

We find that persons charged with felony, who fully and willingly admit their guilt, and who are prepared without delay to accept the judgment and sentence of the court, are nevertheless held in jail to await the action of the grand jury, and are not put on trial until an indictment is returned against them. We regard this practice as expensive, injurious and antiquated, and hope that the better way, which is employed in some of the states, may be brought about in Massachusetts without any more delay than is necessary to a compliance with legal requirements. One of the saddest consequences of the imprisonment of felons and misdemeanants alike is the hardship which sometimes comes to their dependents, who are often quite blameless, from the lack of means with which to provide themselves the necessities of life. Thus homes are broken and the members of households are scattered, and at a later time delinquents again come from such families, which, if kept together, might maintain their identity and decency.

Regardless of the humanitarian aspect of the attempted preservation of even rather poor homes, when there is some prospect that it can be accomplished, the State cannot afford to let them go to pieces, if such a result can be avoided by the expenditure of a reasonable sum of money to temporarily relieve their distress.

## PENAL COMMISSIONERS OF MARYLAND

The prison authorities, under proper supervision, should be authorized to extend prompt aid in case of harsh deprivation, and provision should be made for a small daily wage credit to industrious prisoners, who might thus, through their own efforts, maintain, in some degree, the relation of provider to those who have a natural right to look to them.

The segregation of defective delinquents (many of whom might be more properly termed delinquent defectives) is of grave importance. If the county prisons should be placed under State control, and the Prison Commission should be granted the power of transferring prisoners, the defectives could be placed together in the prison most suitable to their needs and capacity. If this means is not resorted to we know of no way out of the difficulty except by the establishment of another institution for their care, which method we should not propose except as a last resort.

The location of the State Prison and its physical equipment are not suitable, but we hesitate at this time to advise the purchase of land and the construction of a new congregate prison.

With the management of the county prisons and the State Farm, and the power of transfer above mentioned, the State would be in control of 26 prisons, which would manifestly be a sufficient number of institutions of that character for the use of Massachusetts. Many of them are well built, and some of them have quite an area of tillable land in connection. Some might with advantage be removed, by the sale of the present sites and the purchase of more land, to a new location, particularly those institutions which are in the settled portions of cities, as outdoor work, especially on the land, is peculiarly beneficial to many prisoners.

An extension of the hospital section of the Prison Camp and Hospital at West Rutland seems clearly to be desired, and we are submitting plans in this connection.

In case the county prisons are taken over by the State, we recommend a standing appropriation of \$15,000 per annum, to be used in the purchase of land contiguous to the various prisons, as necessity demands and opportunity offers.

We recommend the amendment of chapter 829, Acts of 1913, so as to permit the State agent, under authority of the commission, to dispense the funds of private charities to discharged prisoners during usual business hours.

We likewise advise the enactment of an act making it unlawful for any official connected with the prison service, or in a position of superiority, to urge upon any other official connected with the prison service the appointment of any particular person or persons to any position of emolument in any prison of the Commonwealth.

R. H. G.

**Report of the Penal Commission of Maryland.**—To His Excellency Phillips Lee Goldsborough, Governor of Maryland.

The Commission on Revision of Penal Laws and Prison Reforms, recently appointed by your Excellency, begs respectfully to report as follows:

It has prepared, and herewith transmits, drafts of six proposed Bills and of one Amendment to the Constitution of Maryland. Briefly summarized, they are as follows:

1st: A Bill being an Act to create an unpaid advisory board, to be known